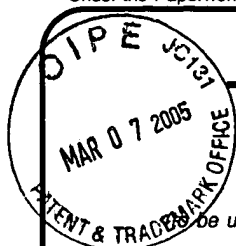


Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

Use for all correspondence after initial filing)

Application Number 09/577,264

Filing Date May 22, 2000

First Named Inventor John S. PATTON

Group Art Unit 1654

Examiner Name Unassigned

Total Number of Pages in This Submission

7

Attorney Docket Number 0002.12

## ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☒ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☒ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) \_\_\_\_\_

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

Copy of Patsy Docket Report;  
Copy of Notice of Abandonment.

Copy of Oath *sk*  
Copy of Assignment *sk*

Remarks

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MAR 14 2005

TECH CENTER 1600/2900

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Susan T. Evans; Inhale Therapeutic Systems, Inc.

Signature

*Susan T. Evans*

Date

Feb 25 2002

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: \_\_\_\_\_

Typed or printed name

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1,202.00)

## Complete if Known

Application Number 09/577,264  
Filing Date May 22, 2000  
First Named Inventor John S. PATTON  
Examiner Name Unassigned  
Group Art Unit 1654  
Attorney Docket No. 0002.12

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 500348  
Deposit Account Name Inhale Therapeutic Systems, Inc.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
101 740	201 370	Utility filing fee	740.00
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$740.00)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 23 -20\*\* = 3 X 18 = 54  
Independent Claims 5 -3\*\* = 2 X 84 = 168  
Multiple Dependent =

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$222.00)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
105 130	205 65	Surcharge - late filing fee or oath	130.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	110.00
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$240.00)

## SUBMITTED BY

Name (Print/Type) Susan T. Evans

Registration No. 38,443  
(Attorney/Agent)

## Complete (if applicable)

Telephone 650-631-3100

Signature

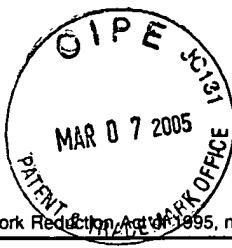
*Susan T. Evans*

Date

7-25-02

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity of \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

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2-22-02  
Date

Telephone  
Number: (650) 631-3100

Susan T. Evans  
Signature Reg. No. 38,443

Susan T. Evans  
Typed or printed name  
Inhale Therapeutic Systems, Inc., 150 Industrial Road  
Address  
San Carlos, CA 94070

Enclosures: ☒ Fee Payment

- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☐ \_\_\_\_\_

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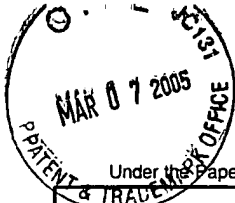
**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

2/25/2002  
Date

Karen J Moir  
Signature  
Karen J Moir  
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

0002.12

First named inventor: John S. Patton

Group Art Unit: 1653

Application Number: 09/577,264

Examiner: Unassigned

Filed: May 22, 2000

Title: PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID  
HORMONEAttention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

**1. Petition fee**

- ☐ small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in**the form of fees, copy of executed Oath & Assignment from parent application (identify the type of reply):  
(Response to Notice to File Missing Parts - Never Received)

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

**B. The issue fee of \$ \_\_\_\_\_**

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

02-22-02  
Date

Susan T. Evans  
Signature

Susan T. Evans

Typed or printed name

*Reg. No. 38,443*

(in the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

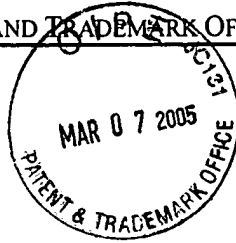
Applicant received a Notice of Abandonment which was mailed on February 11, 2002 stating that Applicant failed to reply to a Notice to File Missing Parts that was mailed on August 22, 2000. Applicant attaches herewith a copy of our Patsy Docket Report showing that a Notice to File Missing Parts was never received from the United States Patent and Trademark Office.

Applicant respectfully requests that this application be revived on the condition that this application was unavoidably abandoned.

(Please attach *additional sheets* if additional space is necessary)



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

Paper No. 8

INHALE THERAPEUTIC SYSTEMS, INC  
150 INDUSTRIAL ROAD  
SAN CARLOS CA 94070

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COPY MAILED

JUL 2 2 2002

JUL 17 2002

In re Application of  
Patton  
Application No. 09/577,264  
Filed: May 22, 2000  
Attorney Docket No. 0002.12

INHALE THERAPEUTIC SYSTEM

OFFICE OF PETITIONS

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(a), filed July 3, 2002, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed August 21, 2000. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 22, 2000. A Notice of Abandonment was mailed on February 11, 2002.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(a).

The file is now being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

OPER ☐ SYS ☐ ENTERED  FILED  ATTORNEYS ☐ STE ☐ / ☐ NA ☐ \ ☐ PRINTED ON:

YOUR#  CNTRY  UNITED STATES  NEW/CON  RELATED

PATS#  TYPE  SERIAL#  PATENT#  STAT

TITLE  PUB#

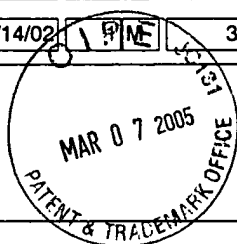
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AGENT  AREF  CLAIMS  Frame

PRIOR  MAIL  FILE  PUBL  ISSUE  EXP  1ST

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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N PETITION TO REVIVE	<input type="text" value="2/14/02"/>	<input type="text" value="1PM"/>	<input type="text" value="3/14/02"/>	<input type="text" value=""/>	<input type="text" value="3/14/02"/>	<input type="text" value="0"/>	<input type="text" value=""/>	<input type="text" value="1M"/>	<input type="text" value="Y"/>	<input type="text" value="Y"/>	<input type="text" value="Y"/>

INVENTORS



PRIOR APPLICATIONS					
REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
0002.11	US	09/128,401	8/3/98	PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE	APPL

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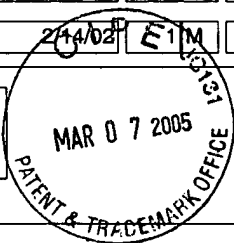
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OPER **SYS** ENTERED **5/26/00** MR **TED** **2/20/02** ATTORNEYS **STE / NA / \** PRINTED ON: **2/21/02**  
 YOUR# **0002.12** CNTRY **US** **UNITED STATES** NEW/CON **CON** RELATED **0002.11**  
 PATS# **P00002US4** TYPE **UTL** SERIAL# **09/577,264** PATENT#  STAT **PENDING**  
 TITLE **PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE** PUB#   
 CLIENT **INHALE** **INHALE THERAPEUTIC SYSTEMS** **1** CREF  SE **No** Reel   
 AGENT  AREF  CLAIMS  Frame   
 PRIOR **9/29/92** MAIL **5/22/00** FILE **5/22/00** PUBL  ISSUE  EXP  **9/29/12** 1ST **9/29/92**

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
PU	Y	PUBLICATION	5/22/00										
SC	Y	STATUS CHECK	5/22/00										
NC	y	NOTIFY CLIENT OF FF	5/22/00										
FS	Y	FILG RCPT STATUS CHK	5/22/00										
PC	Y	POST CARD CHECK	5/22/00										
DS	N	INF DISCLOSURE STMT	5/22/00	6 M	11/22/00		11/22/00	0	4/23/01	1 M	Y	Y	Y
	Y	PRELIM. AMENDMENT	4/22/01										
	N	PETITION TO REVIVE	2/14/02	5 M	3/14/02		3/14/02	0		1 M	Y	Y	Y

INVENTORS  
**JOHN S. PATTON**



PRIOR APPLICATIONS							
REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION		TYPE	
<b>0002.11</b>	<b>US</b>	<b>09/128,401</b>	<b>8/3/98</b>	<b>PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE</b>		<b>APPL</b>	

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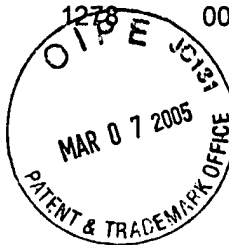


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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/577,264	05/22/2000	1653	1278	0002..12	1	38	4

21968  
NEKTAR THERAPEUTICS  
150 INDUSTRIAL ROAD  
SAN CARLOS, CA 94070



CONFIRMATION NO. 4287

UPDATED FILING RECEIPT



\*OC000000009618619\*

Date Mailed: 03/10/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

**Applicant(s)**

John S. Patton, San Carlos, CA;

**Domestic Priority data as claimed by applicant**

This application is a CON of 09/128,401 08/03/1998 PAT 6,080,721  
which is a DIV of 08/625,586 03/28/1996 PAT 5,814,607  
which is a CON of 08/232,849 04/25/1994 PAT 5,607,915  
which is a CON of 07/953,397 09/29/1992 ABN

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 08/21/2000

**Projected Publication Date:** None, application is not eligible for pre-grant publication

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Pulmonary delivery of active fragments of parathyroid hormone

**Preliminary Class**

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inhale



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Attn: Office of Petitions

FROM: Susan T. Evans

FAX Reply: (650) 631-3125  
Voice Reply: (650) 631-3487

DATE: July 3, 2002

Total Pages: 7  
(including this page)

RE: U.S. Serial No. 09/577,264

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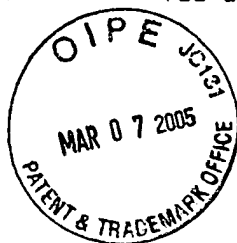
**INHALE THERAPEUTIC SYSTEMS**

150 INDUSTRIAL ROAD, SAN CARLOS, CA USA • (650) 631-3100 • (650) 631-3125 fax

\* \* \* TRAN SSION RESULT REPORT ( JUL. 3.2004 2:55PM ) \* \* \*

TTI INHALE

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUL. 3.	12:53PM	703 308 6916	TES	2'11"	P. 7	OK		518



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# : BATCH  
M : MEMORY  
S : STANDARD  
\* : PC

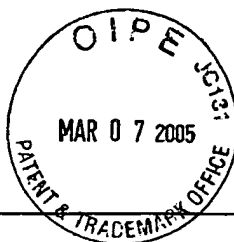
C : CONFIDENTIAL  
L : SEND LATER  
D : DETAIL  
% : PC DIRECT

\$ : TRANSFER  
@ : FORWARDING  
F : FINE

P : POLLING  
E : ECM  
> : REDUCTION



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/577,264		John S. Patton	0002..12

21968  
NEKTAR THERAPEUTICS  
150 INDUSTRIAL ROAD  
SAN CARLOS, CA 94070

CONFIRMATION NO. 4287

**WITHDRAWAL NOTICE**

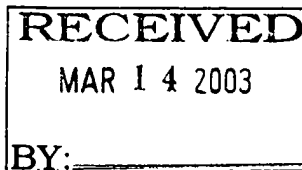


\*OC00000008496398\*

Date Mailed: 03/10/2003

**WITHDRAWAL OF PREVIOUSLY SENT NOTICE**

The Notice of Abandonment mailed on 02/11/2002 was sent in error and is hereby withdrawn. A Filing Receipt is enclosed. The Office regrets any inconvenience the error may have caused.



*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20230  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/577,264	05/22/2000	John S. Patton	0002..12

21968  
INHALE THERAPEUTIC SYSTEMS, INC  
150 INDUSTRIAL ROAD  
SAN CARLOS, CA 94070



CONFIRMATION NO. 4287

ABANDONMENT/TERMINATION  
LETTER

\*OC000000007457011\*

Date Mailed: 02/11/2002

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/22/2000.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

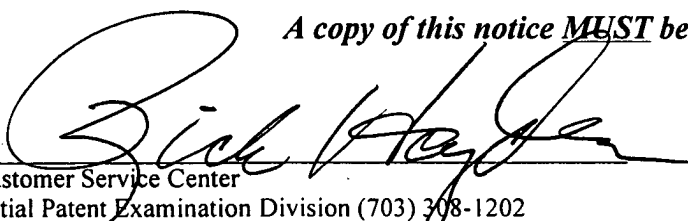
Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

308-6916

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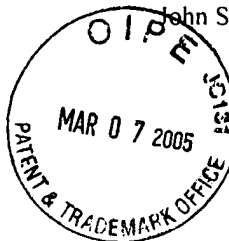


## UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/577,264	05/22/2000	John S. Patton	0002..12

21968  
INHALE THERAPEUTIC SYSTEMS, INC  
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CONFIRMATION NO. 4287

ABANDONMENT/TERMINATION  
LETTER

\*OC000000007457011\*

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Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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424

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

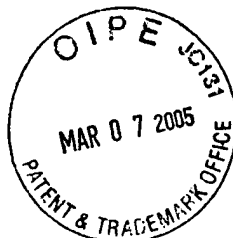


## UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/577,264	05/22/2000	1653	1092	0002..12	1	23	5

21968  
INHALE THERAPEUTIC SYSTEMS, INC  
150 INDUSTRIAL ROAD  
SAN CARLOS, CA 94070



CONFIRMATION NO. 4287

## UPDATED FILING RECEIPT



\*OC000000008496399\*

Date Mailed: 07/23/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

John S. Patton, San Carlos, CA;

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JUL 30 2002

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 08/625,586 03/28/1996 PAT 5,814,607  
WHICH IS A CON OF 08/232,849 04/25/1994 PAT 5,607,915  
WHICH IS A CON OF 07/953,397 09/29/1992 ABN

INHALE THERAPEUTIC SYSTEM

## Foreign Applications

If Required, Foreign Filing License Granted 08/21/2000

Projected Publication Date: Not Applicable, filed prior to November 29,2000

Non-Publication Request: No

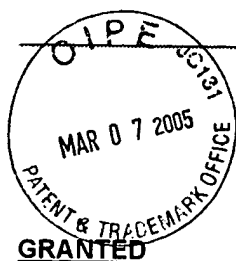
Early Publication Request: No

## Title

Pulmonary delivery of active fragments of parathyroid hormone

## Preliminary Class





**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

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MAY 1 2002

Paper No. 6

INHALE THERAPEUTIC SYSTEM

INHALE THERAPEUTIC SYSTEMS, INC  
150 INDUSTRIAL ROAD  
SAN CARLOS CA 94070



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MAY 03 2002

OFFICE OF PETITIONS

ON PETITION

In re Application of  
Patton  
Application No. 09/577,264  
Filed: May 22, 2000  
Attorney Docket No. 0002.12

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TECH CENTER 1600/2900

This is a decision on the petition under 37 CFR 1.137(a), filed February 25, 2002, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed August 21, 2000. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 22, 2000. A Notice of Abandonment was mailed on February 11, 2002.

In the absence of any irregularity in the mailing of the Office action, there is a strong presumption that the Office action was properly mailed. In order to overcome this presumption, a petition alleging non-receipt of an Office action must:

- (1) include a statement from practitioner stating that the Office action was not received,
  - (2) attest that a search of the file jacket has been made,
  - (3) attest that a search of all relevant docket records has been made,
  - (4) include a copy of the docket record where the Office action would have been entered had it been received, and
  - (5) include any additional information which may be required by the Commissioner.
- See MPEP 711.03(c)(II).

As to (2), petitioner has failed to state that a search of the file jacket has been performed and that the file jacket does not contain the Notice of Missing Parts.

*Renewed Petition*  
*7/3/02*

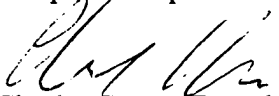
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

By facsimile: (703) 308-6916  
Attn: Office of Petitions

By hand: Office of Petitions  
2201 South Clark Place  
Crystal Plaza 4, Suite 3C23  
Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.



Charles Steven Brantley  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

## DECLARATION

Attorney Docket No. 15225-3

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE** the specification of which X is attached hereto or \_\_\_\_\_ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

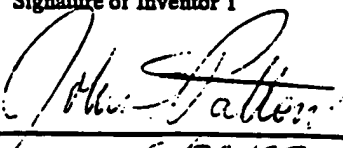
Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes ___ No ___
			Yes ___ No ___

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing	Status
		___ Patented ___ Pending ___ Abandoned
		___ Patented ___ Pending ___ Abandoned

Full Name of Inventor 1	Last Name <b>PATTON</b>	First Name <b>John</b>	Middle Name or Initial <b>S.</b>	
Residence & Citizenship	City <b>San Carlos</b>	State/Foreign Country <b>California</b>	Country of Citizenship <b>United States of America</b>	
Post Office Address	Post Office Address <b>330 Emerald Avenue</b>	City <b>San Carlos</b>	State/Country <b>California</b>	Zip Code <b>94070</b>
Full Name of Inventor 2	Last Name	First Name	Middle Name or Initial	
Residence & Citizenship	City	State/Foreign Country	Country of Citizenship	
Post Office Address	Post Office Address	City	State/Country	Zip Code
Full Name of Inventor 3	Last Name	First Name	Middle Name or Initial	
Residence & Citizenship	City	State/Foreign Country	Country of Citizenship	
Post Office Address	Post Office Address	City	State/Country	Zip Code

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2	Signature of Inventor 3
Date <b>9/20/92</b>	Date	Date

DC:MRG 7/92

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9-1600/2005

## ASSIGNMENT OF PATENT APPLICATION

SOLE

WHEREAS, JOHN S. PATTON, 330 Emerald Avenue, San Carlos, CA 94070, hereinafter referred to as "Assignor", is the inventor of the invention described and set forth in the below identified application for United States Letters Patent:

Title of the Invention: **PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE**

Date(s) of execution: Sept. 28, 1992

Filing date: Sept. 29, 1992 Serial No.: \_\_\_\_\_; and

WHEREAS, INHALE THERAPEUTIC SYSTEMS, a California corporation, located at 3603 Haven Avenue, Ste. D, Menlo Park, California 94025, hereinafter referred to as "Assignee", is desirous of acquiring an interest in the invention and application and in any Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and all future improvements thereon, and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that he/she will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

John S. Patton 9/29/92  
John S. Patton (date)

STATE OF California )  
 )  
COUNTY OF ) ss.

BEFORE ME \_\_\_\_\_, a Notary Public, duly commissioned and sworn, personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person/s whose name/s is/are subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the \_\_\_\_\_ County of \_\_\_\_\_ on the date set forth in this certificate.

My Commission Expires: \_\_\_\_\_

NOTARY PUBLIC RECORDED  
PATENT AND TRADEMARK  
OFFICE

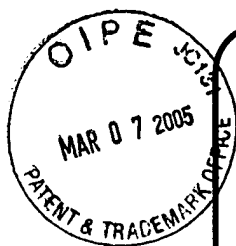
SEP 29 1992

REC-6287 PAGE 553

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (6-98)  
Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>Application Number</b>	09/577,264		
	<b>Filing Date</b>	May 22, 2000	
	<b>First Named Inventor</b>	John S. Patton	
	<b>Group Art Unit</b>	1653	
	<b>Examiner Name</b>	Unassigned	
<b>Total Number of Pages in This Submission</b>	7	<b>Attorney Docket Number</b>	0002.12

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Renewed Petition for Revival of an Application for Patent
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<b>Remarks</b>	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

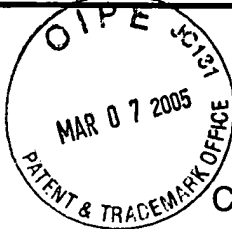
<b>Firm or Individual name</b>	Susan T. Evans
<b>Signature</b>	<i>Susan T. Evans</i>
<b>Date</b>	July 3, 2002

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:	
<b>Typed or printed name</b>	
<b>Signature</b>	<b>Date</b>

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the  
United States Patent and Trademark Office

on 07/03/02  
Date

Kathy Honnert  
Signature

Kathy Honnert  
Typed or printed name of person signing Certificate

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Note: Each paper must have its own certificate of transmission, or this certificate must identify  
each submitted paper.

The following papers listed below are submitted:

Transmittal

Renewed Petition for Revival of an Application for Patent Abandoned Unavoidably  
Under 37 CFR 1.137 (a)

DOCKET NO.: 0002.12/STE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

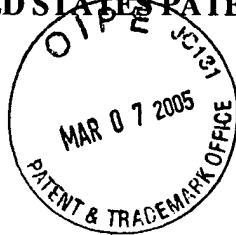
IN RE APPLICATION OF:

Patton, J.,

SERIAL NO.: 09/577,264

FILED: May 22, 2000

FOR: **PULMONARY DELIVERY OF  
ACTIVE FRAGMENTS OF  
PARATHYROID HORMONE**



EXAMINER: unassigned

ART UNIT: 1653

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TECH CENTER 1600/2900

**RENEWED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVIDABLY UNDER 37 C.F.R. §1.137(a)**

Attention: Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

Dear Sir:

This is a request for reconsideration of the decision mailed on May 03, 2002 dismissing the Petition for Revival of An Application For Patent Abandoned Unavoidably under 37 C.F.R. 1.37(a) filed by the undersigned on February 25, 2002. This request for reconsideration is being submitted within two months from the mail date of the decision mailed on May 03, 2002. No extensions of time are required.

The Applicant's petition was dismissed for failure to affirmatively state that a search of the file jacket was performed and did not contain the Notice of Missing Parts. This renewed petition has been amended to correct this oversight. Please consider the following renewed petition.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

**A. Adequate Showing of Cause of Unavoidable Delay.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed August 21, 2000. The Notice set a period of reply of two months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR §1.136(a) were obtained. Accordingly, the above-identified



application became abandoned on October 22, 2000. A Notice of Abandonment was mailed on February 11, 2002.

· The Notice mailed by the Office was never received by the Applicant.

· A search of the file jacket corresponding to Application Serial No. 09/577,264 (Inhale Docket No. 0002.12) was conducted and failed to contain the subject Notice.

· A search of all relevant docket records corresponding to Application Serial No. 09/577,264 (Inhale Docket No. 0002.12) was made and failed to reveal receipt of the subject Notice. All incoming mail from the USPTO and relevant due dates are entered into our in-house docketing system, Patsy.

· Enclosed is a copy of the Patsy Docket Report corresponding to the instant application which indicates, by the absence of an entry corresponding to the Notice to File Missing Parts, that such Notice was never received by Inhale's internal IP docketing department.

· No additional information should be required by the Commissioner.

#### **B. Items Required for Grantable Petition**

1. Petition Fee. The requisite petition fee for other than small entity was included in the Petition filed on February 25, 2002, therefore no additional fees are believed necessary for the instant renewed petition. If it is determined that any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 500348.

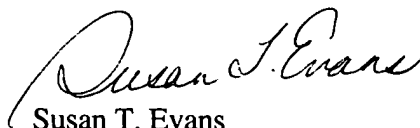
2. Reply and/or Fee associated with the Notice to File Missing Parts. Also submitted with the Petition sent on February 25, 2002 were the basic filing fee and other fees associated with the response to the Notice to File Missing Parts (extra claims fees, surcharge for late filing fee or oath) and a copy of the executed Oath & Assignment from the parent application. No additional items are believed necessary to comply with the requirements for filing a complete reply to the Notice.

#### **C. Conclusion**

It is submitted that this renewed petition for revival of the instant application is now in condition for acceptance. In summary, the applicant has provided statements and supporting records in Section A. above showing that the Notice to File Missing Parts was never received. The applicant has also paid the requisite petition fee, and filed a complete reply to the Notice to File Missing Parts including the necessary fees and papers (along with the Petition and accompanying

documents mailed February 25, 2002). It is respectfully submitted that this application be revived on the condition that the application was unavoidably abandoned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Susan T. Evans".

Susan T. Evans

Registration No. 38,443

Date: July 3, 2002

**Correspondence Address:**

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